

Exhibit A

**THE PUBLIC INTEREST LEGAL
FOUNDATION,**

Plaintiff,

V.

**LEIGH M. CHAPMAN, Acting
Secretary of the Commonwealth of
Pennsylvania, and JONATHAN M.
MARKS, Deputy Secretary for
Elections and Commissions,**

Defendants.

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NO. 1:19-CV-622

JUDGE CONNER

ELECTRONICALLY FILED

**FIRST SUPPLEMENTAL RESPONSE TO REQUEST UNDER THE
NATIONAL VOTER REGISTRATION ACT TO INSPECT RECORDS**

GENERAL STATEMENT

This supplemental production is not intended to and should not be construed as a waiver of the issues raised in Defendants' Motion for Clarification and Partial Reconsideration (ECF 88, 89) and Motion To Alter or Amend Judgment Pursuant to Fed. R. Civ. P. 59(e) (ECF 91, 92), both of which remain pending before the Court. Nor should the supplemental production be construed as a waiver of applicable privileges, all of which are specifically asserted and preserved. This includes, but is not limited to, work product protection applicable to analyses performed by a non-testifying and/or consulting expert. *Public Interest Legal*

Found. v. Chapman, --- F. Supp. 3d ---, 2022 WL 986012, at *7 (M.D. Pa. Mar. 31, 2022) (“*PILF II*”).

Pursuant to the Court’s rulings in this matter, and consistent with the Driver’s Privacy Protection Act (“DPPA”), 18 U.S.C. § 2721, the Department of State is not disclosing and has no obligation to disclose driver license records, personal information obtained from driver license records or derivative lists containing personal information obtained or derived from driver license records protected by the DPPA. *See Public Interest Legal Found. v. Boockvar*, 431 F. Supp. 3d 553, 563 (M.D. Pa. 2019) (“The glitch-related records and derivative lists created during the Commonwealth’s investigation are protected by the DPPA to the extent they include personal information obtained by the DMV in connection with a motor vehicle record.”) (“*PILF I*”); *see also PILF II*, 2022 WL 986012, at *6 (“When the entirety of the information in a document or other record is derived from personal information obtained from DMV records, the whole of the record may be withheld.”).

In addition, information relating to the identity of any voter registration agency through which any particular voter registered is not required to be disclosed under the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20507(i)(1), and therefore such information is not part of the supplemental production.

This supplemental production is made with the express warning that information concerning the reason for any particular registration cancellation must be further verified with county election officials who process cancellations. The data recorded by county election officials in the Statewide Uniform Registry of Electors (“SURE”) system is transactional data that changes over time. For example, a registrant who cancelled a registration may later re-register. In addition, some cancellations categorized as due to non-citizenship were triggered by notice from registrants that they had changed addresses—*i.e.* they gave notice of *non-residence* rather than *non-citizenship*. In many cases, registrations were canceled without any indication in the SURE system as to why or how county officials concluded the registrant was a non-citizen. Accordingly, the Department of State strongly cautions against drawing conclusions about any individual’s status, knowledge or intent without further validation.

The documents accompanying this response supplement productions previously made. The Department of State reserves the right to supplement or amend these disclosures.

SUPPLEMENTAL RESPONSES

1. Attached as Exhibit A is a list of 93 individuals who received the June 12, 2018 letter summarizing voter qualifications and whose voter registrations

were canceled and the reason for the cancellation is listed in the SURE system as not a citizen.

2. Attached as Exhibit B are vote histories from the SURE system for the individuals in Exhibit A.

3. Attached as Exhibit C is a list of 1,363 individuals whose voter registrations were canceled through October 2022 where the reason for the cancellation is listed in the SURE system as not a citizen.

4. Attached as Exhibit D are vote histories from the SURE system for the individuals in Exhibit C.

5. Copies of records in the SURE system relating to cancellations of individuals identified in Exhibits A and C will be produced as soon as appropriate redactions are completed.

As detailed in the General Statement above, citizenship status of any particular individual must be verified.

Dated: November 11, 2022